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*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P., et al.,

Defendants.  
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Case No. 3:21-cv-00881-X

(Consolidated with 3:21-cv-00880-  
X, 3:21-cv-01010-X, 3:21-cv-01378-  
X, 3:21-cv-01379-X)

**REQUEST TO TAKE JUDICIAL NOTICE OF DECISION RELEVANT TO HIGHLAND  
CAPITAL MANAGEMENT, L.P.'S MOTION TO DEEM THE DONDERO ENTITIES  
VEXATIOUS LITIGANTS AND FOR RELATED RELIEF**

HCMLP,<sup>1</sup> by and through its undersigned counsel, respectfully requests that, pursuant to Federal Rule of Evidence 201(c), the Court take judicial notice of the opinion [Document No. 79-1] (the “Contempt Opinion”) published by the United States Court of Appeals for the Fifth Circuit on July 1, 2024, in connection with the appeal captioned *James Dondero v. Highland Capital Management, L.P.*, No. 22-10889 (5th Cir.). A copy of the Contempt Opinion is attached hereto as **Exhibit A**. The Contempt Opinion is directly relevant to issues the parties addressed in their briefs.<sup>2</sup>

### **CONCLUSION**

WHEREFORE, HCMLP respectfully requests that the Court take judicial notice of the Contempt Opinion and grant such other and further relief as the Court deems just and proper.

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<sup>1</sup> Capitalized terms used but not defined herein have the meanings given to them below or in *Highland Capital Management, L.P.’s Memorandum of Law in Support of Its Motion to Deem the Dondero Entities Vexatious Litigants and for Related Relief* [D.I. 137] (“Highland’s Brief”).

<sup>2</sup> See, e.g., Highland’s Brief at 17, 20, 33, 34; *Memorandum in Opposition to Motion to Deem Dondero Entities Vexatious Litigants and for Related Relief* [D.I. 173] at 15 & n.25, 36-37, filed by James Dondero, NexPoint Asset Management, L.P., NexPoint Advisors, L.P., Highland Capital Management Services, Inc., NexPoint Real Estate Partners, LLC, The Dugaboy Investment Trust, Strand Advisors, Inc., and Get Good Trust.

Dated: July 29, 2024

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